Regular Meeting, Wednesday, October 9, 2019, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Gerald W. Garber, Chairman

Carolyn S. Bragg-Vice Chairman

G.L. "Butch" Wells Michael L. Shull Wendell L. Coleman Pam L. Carter Marshall W. Pattie

Timothy K. Fitzgerald, County Administrator Jennifer M. Whetzel, Deputy County Administrator John Wilkinson, Director of Community Development

James R. Benkahla, County Attorney

ABSENT: Angela Michael, Executive Assistant

VIRGINIA: At a regular meeting of the Augusta County Board of

Supervisors held on Wednesday, October 9, 2019, at 7:00 p.m., at the Government Center, Verona, Virginia,

and in the 244th year of the Commonwealth....

* * * * * * * * * * * * * * *

Chairman Garber welcomed the citizens present.

* * * * * * * * * * * * * * *

The following students from Wilson Memorial High School led the Board of Supervisors in the Pledge of Allegiance:

Lee Bartosch plants to attend a Trade School and study welding.

Cassidy Davis plans to attend a four-year college or university and major in science.

Evan Harrison plans to attend James Madison University and study physical therapy.

* * * * * * * * * * * * * * *

Pam Carter, Supervisor for the Pastures District, delivered the invocation.

* * * * * * * * * * * * * * * *

DR. H. LYNN MOORE RESOLUTION

The Board considered the following resolution:

WHEREAS, Dr. H. Lynn Moore started his medical practice in Augusta County in August of 1959 and;

WHEREAS, Dr. H. Lynn Moore financed and started the Riverheads Little League Football program in 1967 and;

WHEREAS, Dr. H. Lynn Moore was named the News Leader Sportsperson of the Year in 1977 and;

WHEREAS, Dr. H. Lynn Moore started as the Riverheads football team doctor in 1962 and has since been a part of six state championship teams and;

DR. H. LYNN MOORE RESOLUTION (CONT'D)

WHEREAS, Dr. H. Lynn Moore has given back to the community in many ways, one of which was providing free sports physicals to all athletes at Riverheads High School. Approximately 8,500 physicals have been given over the last 57 years and;

WHEREAS, the Dr. H. Lynn Moore fieldhouse was dedicated at Riverheads High School in 1988 and;

WHEREAS, Dr. H. Lynn Moore was named the Layman Educator of the Year in 1979, received the Buz Dawbarn award in 1994 and 2002 and received the Frank McCue III sports medicine award from the Virginia High School league in 2001 and;

WHEREAS, Dr. H. Lynn Moore served Augusta county as the jail physician from 1984 to 2006 and was named the runner up in the Country Doctor of the Year award in 2003 and;

WHEREAS, Dr. H. Lynn Moore was also involved in 4H and was the recipient of the Bradshaw award and;

WHEREAS, Dr. H. Lynn Moore retired at the end of August 2019 and;

NOW THEREFORE BE IT RESOLVED, the Augusta County Board of Supervisors recognizes and thanks Dr. H. Lynn Moore for his dedication to his patients, his community, and to Augusta County, and wishes him the very best in his retirement and;

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of the Augusta County Board of Supervisors and a copy be presented to Dr. H. Lynn Moore in appreciation of service and commitment to Augusta County.

Mr. Shull moved, seconded by Dr. Pattie, that the Board accept the resolution as presented.

Vote was as follows: Yeas: Garber, Bragg, Coleman, Wells, Shull, Carter

and Pattie

Nays: None

Motion carried.

* * * * * * * * * * * * * * * *

MATTERS TO BE PRESENTED BY THE PUBLIC

Dan Sullivan and Jeff Miracle of United Way gave a presentation on Volunteer Income Tax Assistance (VITA). Volunteers are needed for the following positions: Greeters, Intake Form Reviewers, Tax Preparers, Quality Reviewers and Meal Providers. There will be a VITA Volunteer Social on Wednesday, October 16th from 6:00 p.m.-8:00 p.m.

Steve Morris recommended sending Dr. Moore's resolution to the General Assembly. He discussed overcrowding at the jail and asked how much space was rented out. Mr. Morris is shocked by the comments being made to the public regarding the courthouse. Educate the citizens before spending tax payer dollars. Staff levels within Fire and Rescue continue to be an ongoing problem.

Dr. Robin Hawks stated there is a survey being conducted. At this point 89.36% have said no to the question of do you support Augusta County spending \$70 million to renovate the Courthouse in Staunton. 89.51% said yes to the question of do you support Augusta County providing multiple options to voters.

Shaun Mooney questioned what has been done since the last meeting regarding the Right of Refusal on the Courthouse.

Mr. Fitzgerald stated that the Realtor nor the Attorney was aware of the Right of Refusal and it was not in writing.

Mr. Mooney stated that the public deserves to know what options are available on the Courthouse. He also stated that in regards to the Mill Place Covenant documents, it is important to add prohibited activity such as dumping of liquid into the pond. Mr.

MATTERS TO BE PRESENTED BY THE PUBLIC (CONT'D)

Mooney made a FOIA request to have amounts and reasons for any settlements with the County in the last three years.

Nicole Medina of Verona is concerned with staffing levels within Fire and Rescue.

Stephen Grepps thanked the Board for recognition of Fire and Rescue and law enforcement. He would like to meet with each Board member and has met with Mr. Fitzgerald.

* * * * * * * * * * * * * * * *

2020 HOLIDAY SCHEDULE

The Board considered the 2020 Holiday Schedule for Augusta County.

Proposed Holiday Schedule 2020

Holidays	Observed
New Year's Day	January 1
Martin Luther King, Jr. Day	January 20
President's Day	February 17
Memorial Day	May 25
Fourth of July	July 3
Labor Day	September 7
Veteran's Day	November 11
Thanksgiving Day Day after Thanksgiving Day	November 26 November 27
Christmas Eve (Extra) Christmas Day	December 24 December 25
Total Days	(11) Eleven

Faith Duncan, Director of Human Resources, stated that the schedule follows normal holidays per policy. The only added holiday is Christmas Eve due to the way the Christmas falls on the calendar. Other localities decide on additional holidays closer to the time.

Ms. Bragg moved, seconded by Mr. Coleman, that the Board approve the 2020 Holiday Schedule as presented.

Vote was as follows: Yeas: Garber, Bragg, Coleman, Wells, Shull, Carter

and Pattie

Nays: None

Motion carried.

PROJECT GROWS LEASE-BERRY FARM

The Board considered the lease renewal.

Jennifer Whetzel, Deputy County Administrator, stated Project Grows presented an update on their programs and projects to the Board of Supervisors on August 14⁻² 2019. They wish to build a barn on the leased area and inquired as to the ability to have a longer term lease before pursuing potential grant funding for the project. The current lease is for 5 years with 5 year renewals. The have requested a 25-30 year lease. The lease will renew in November 2021. It is before the Board to extend the lease to a 15 year term, with two 5 year renewals the next time the lease is renewed.

Dr. Pattie moved, seconded by Ms. Bragg, that the Board approve the lease renewal as presented.

Vote was as follows: Yeas: Garber, Bragg, Coleman, Wells, Shull, Carter

and Pattie

Nays: None

Motion carried.

* * * * * * * * * * * * * * * *

MILL PLACE COMMERCE PARK ZONING AND COVENANTS

The Board considered the direction for Staff to execute a Board-initiated rezoning of the Mill Place Commerce Park.

Leslie Tate, Senior Planner, stated that Amanda Glover presented the Board with an update on the proposed amendments to the zoning and covenants and restrictions for Mill Place Commerce Park. Staff has worked across departments in review of both the proposed amended concept plan and the covenants and restrictions to help create two harmonious documents. General Industrial uses, minus specific prohibited uses as shown on the concept plan, are permitted throughout the park. The proposed amendment shifts away from a park that permits residential uses and also limits professional office and business uses to Area 1 of the park. As discussed with the Ordinance Committee and the Board at the last Briefing, daycare centers are permitted in Area 1 and 2 and uses that already exist in Area 1 are incorporated as permitted in the amended concept plan. Special Use Permits, granted by the Board, are reserved for the following uses: warehouse uses greater than 50,000 square feet but less than 150,000 square feet, provided the Board determines the warehouse use is substantially automated, requiring an automated storage retrieval system; professional and business offices, not considered accessory to a permitted use, provided the professional/business office use is within a structure with at least 75% of the total floor area devoted to a use permitted by right, with the office use not to exceed 40,000 square feet; and general outdoor storage, provided it complies with the covenants and restrictions. Staff requests that the Board consider directing staff to execute a Board-initiated rezoning of the Mill Place Commerce Park. A meeting will be held with landowners within the park to review the proposed covenants and restrictions and request signatures for amendment. Once the meeting is held, staff plans to advertise the rezoning for November Planning Commission and Board of Supervisors public hearings. The meeting with the landowners will take place on October 31, 2019.

Dr. Pattie suggests waiting until after the meeting with the landowners.

Mr. Coleman agrees with waiting until after the meeting with the landowners.

Mr. Wells also agrees.

The Board as a whole agrees to hold for a later meeting.

* * * * * * * * * * * * * *

WAIVERS --NONE

* * * * * * * * * * * *

CONSENT AGENDA

Chairman Garber asked if the public wished for any item to be removed from the Consent Agenda and considered separately. There was no request.

Ms. Bragg moved, seconded by Ms. Carter that the Board approve the consent agenda as follows:

MINUTES

Approved minutes of the following meetings:

- Regular Meeting, Wednesday, August 28, 2019
- Regular Meeting, Wednesday, September 11, 2019
- Staff Briefing, Monday, September 23, 2019

CLAIMS

Consider claims paid since September 1, 2019

STREET ADDITION

Consider Community Development's and VDOT's recommendations to adopt resolution for acceptance of the following street into the secondary road system in accordance with VDOT requests (Beverley Manor District)

1. Cedar Park lane

Vote was as follows: Yeas: Garber, Bragg, Coleman, Wells, Shull, Carter

and Pattie

Nays: None

Motion carried.

* * * * * * * * * * * * * *

MATTERS TO BE PRESENTED BY THE BOARD

Mr. Wells met with the Swoope Fire Chief.

Ms. Bragg moved, seconded by Mr. Shull, that the Board approve funding for a fire hydrant to be installed in Weyers Cave in the amount of \$4,500.00 from the Middle River Infrastructure account.

Vote was as follows: Yeas: Garber, Bragg, Coleman, Wells, Shull, Carter

and Pattie

Nays: None

Motion carried.

MATTERS TO BE PRESENTED BY THE BOARD (CONT'D)

Mr. Coleman moved, seconded by Ms. Bragg, that the Board approve funding to assist in the construction cost for the Wilson Memorial High School football concession stand. Funding to come from the Wayne Infrastructure account.

Funding Source: Wayne Infrastructure 8017-105 \$30,000.00

Vote was as follows: Yeas: Garber, Bragg, Coleman, Wells, Shull, Carter

and Pattie

Nays: None

Motion carried.

* * * * * * * * * * * * * * * *

MATTERS TO BE PRESENTED BY STAFF

1) Mr. Fitzgerald stated that there has been a funding request to upgrade the Clymore Elementary School playground to make it ADA compliant. The total cost is \$46,000.00 and the School Board will pay half of the cost.

Dr. Pattie moved, seconded by Mr. Wells, that the Board approve funding \$23,000.00 to be split equally between Beverley Manor, North River and the Wayne Parks and Recreation Infrastructure accounts.

Vote was as follows: Yeas: Garber, Bragg, Coleman, Wells, Shull, Carter

and Pattie

Nays: None

Motion carried.

2) Mr. Fitzgerald discussed Fire and Rescue staffing.

* * * * * * * * * * * * * * *

CLOSED SESSION

On motion of Ms. Bragg, seconded by Mr. Shull, the Board went into closed session pursuant to:

- (1) the personnel exemption under Virginia Code § 2.2-3711(A)(1) [discussion, consideration or interviews of (a) prospective candidates for employment, or (b) assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific employees]:
 - a) Boards and Commissions- Youth Commission, Ag Industry Board, Economic Development Authority
- (2) the legal counsel exemption under Virginia Code § 2.23711(A)(8) Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.
 - a) Specifically with respect to Negotiated Class Settlement: In reNational Prescription Opiate Litigation.

On motion of Mr. Shull, seconded by Mr. Coleman, the Board came out of Closed Session.

CLOSED SESSION (CONT'D)

Vote was as follows: Yeas: Garber, Bragg, Wells, Shull, Coleman, Pattie,

and Carter

Nays: None

Motion carried.

* * * * * * * * * * * * * * * *

The Chairman advised that each member is required to certify that to the best of their knowledge during the closed session only the following was discussed:

- 1. Public business matters lawfully exempted from statutory open meeting requirements, and
- 2. Only such public business matters identified in the motion to convene the executive session.

The Chairman asked if there is any Board member who cannot so certify.

Hearing none, the Chairman called upon the County Administrator/ Clerk of the Board to call the roll noting members of the Board who approve the certification shall answer AYE and those who cannot shall answer NAY.

Roll Call Vote was as follows:

Yeas: Garber, Bragg, Wells, Shull, Coleman, Pattie,

and Carter

Nays: None

Motion carried.

The Chairman authorized the County Administrator/Clerk of the Board to record this certification in the minutes.

* * * * * * * * * * * * *

BOARDS AND COMMISSIONS

Ms. Bragg moved, seconded by Mr. Shull, that the Board re-appoint John Earhart to serve a term on the Building Board of Appeals effective November 1, 2019 and to expire on October 31, 2024.

Vote was as follows: Yeas: Garber, Bragg, Coleman, Wells, Shull, Carter

and Pattie

Nays: None

Motion carried.

<u>ADJOURNMENT</u>

There being no other business to come before the Board, Dr. Pattie moved, seconded by Mr. Coleman, the Board adjourn subject to call of the Chairman.

Vote was as follows: Yeas: Garber, Bragg, Shull, Wells, Coleman, Pattie

and Carter

Nays: None

Motion carried.

Chairman County Administrator

h:10-9min.19